

Entered - 02-11-99 - sb  
CL 99L0085 - GWENDOLYN BURNS

CLAIM OF: **FELIX ANENUWA**  
2891 Springdale Road, M-5  
Atlanta, Georgia 30315

01- R -1235

For vehicular damages alleged to have been sustained as a result of a sanitary sewer construction site in the roadway that was left in an open and unsafe condition on February 5, 1999 at Northside Drive SW & Mitchell Street, SW.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION  
COMMITTEE:

**BE IT RESOLVED** by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **FELIX ANENUWA** the sum of **\$1,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of a sanitary sewer construction site in the roadway that was left in an open and unsafe condition on February 5, 1999 at Northside Drive SW & Mitchell Street, SW as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD  
CITY ATTORNEY

BY: *Rosalind Rubens Newell*  
ROSALIND RUBENS NEWELL  
DEPUTY CITY ATTORNEY

## FAVORABLE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: SEP 04 2001

CHAIR: *C. T. Martin*

*[Signature]*

*[Signature]*

*Clara Henderson*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

APPROVED

SEP 13 2001

WITHOUT SIGNATURE  
BY OPERATION OF LAW

ADOPTED BY  
SEP 04 2001  
COUNCIL

SEP 04 2001  
MUNICIPAL CLERK  
*[Signature]*

ATLANTA CITY COUNCIL PRESIDENT  
SEP 04 2001  
*[Signature]*



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**01-R-1235**

**A RESOLUTION**

**BY: PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **FELIX ANENUWA** the sum of **\$1,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of a sanitary sewer construction site in the roadway that was left in an open and unsafe condition on February 5, 1999 at Northside Drive SW & Mitchell Street, SW as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403

SEP 04, 2001

SEP 13, 2001

**DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY**

Claim No. 99L0085

Date: August 1, 2001

Claimant /Victim FELIX ANENUWA  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 2891 Springdale Road, M-5, Atlanta, Georgia 30315  
Subrogation: \_\_\_\_\_ Claim for Property damage \$ 1,628.35 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 2/11/99 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 2/5/99 Place: Northside Drive, SW & Mitchell Street, SW  
Department PUBLIC WORKS Division Sewer Operations  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant's vehicle sustained damage when he drove through a sanitary sewer construction cut in the roadway that was not properly covered and left in an unsafe condition.

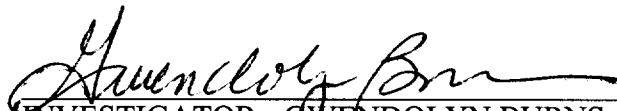
**INVESTIGATION:**

Statements: City employee X Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral X  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_


**BASIS OF RECOMMENDATION:**

Function: Governmental \_\_\_\_\_ Ministerial X  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement X  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

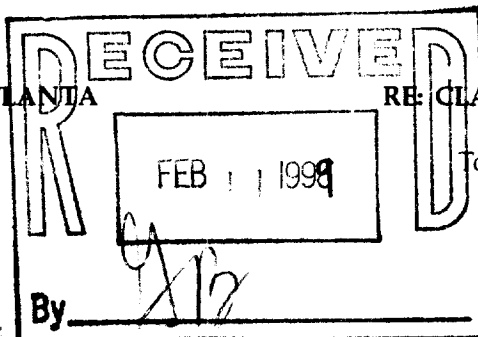
Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

**RECOMMENDATION:**

Pay \$ 1,000.00 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 X 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 08-22-01  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335



RE: CLAIM FOR DAMAGES

Today's Date: 2/11/99

ENTERED - 2-16-99 - SB  
99L0085 - GWEN BURNS

BURNS  
02/11/99

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ \_\_\_\_\_ property and/or \$ \_\_\_\_\_ bodily injury for which I contend the City is liable.

1. Date of incident: 2/5/99 (month/day/year) 2. Time of Incident: 9:00 PM 3. Police called: ☒ Yes ☐ No
4. Location of incident (including street address): NORTH SIDE DR / MITCHELL
5. Name of your insurance company: \_\_\_\_\_ Policy No. \_\_\_\_\_
6. State what and how incident occurred: I WAS TRAVELLING NORTH OF NORTHSIDE DR WITH MY FRIEND AND BUMPED INTO A BIG HOLE THAT DAMAGED MY CAR.
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).  
Your vehicle: OLDSMOBILE '84 573 mkm FELIX ANENAWA  
(Make) (Year) (Tag Number) (Driver's Name)  
City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone Number)
10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Signature of Claimant

FELIX ANENAWA  
(Print Claimant's Name)

2891 SPRINGDALE RD M-5  
(Address)

ATL GA 30315  
(City, State and Zip Code)

(770) 952-4109 14041209767  
(Work Number) (Home Number)

01-R-1235

559-8236

RCS# 3092  
9/04/01  
3:36 PM

Atlanta City Council

Regular Session

MULTIPLE

Public Safety Consent Agenda except #15

ADOPT

1235

YEAS: 15  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE